



written objections. Respondent has not made any further response. In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or recommendations to which specific objection is made. United States v. Raddatz, 447 U.S. 667 (1980). The court is not addressing any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

For the most part, applicant's objections to the FC&R amount to nothing more than a restatement of the claims and arguments he presented in his application.

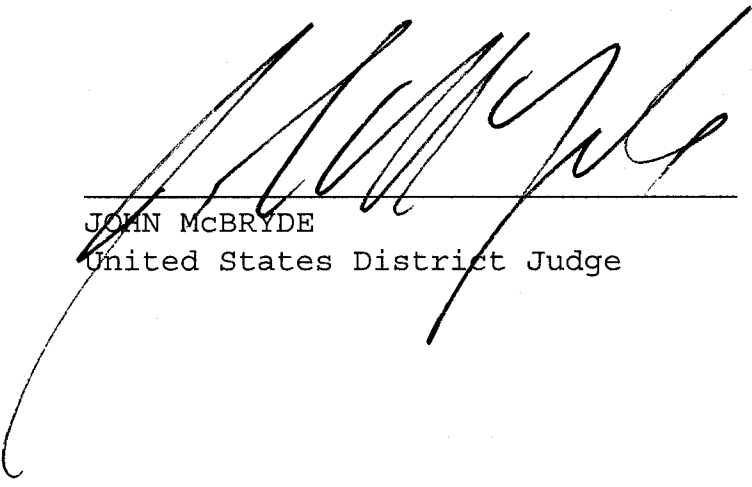
After having reviewed respondent's supplemental briefing in response to the court's May 12, 2009, order, the court is persuaded that Caldwell v. Dretke, 429 F.3d 521 (5th Cir. 2005), continues to be controlling on the issue for which respondent cited it in its answer and for which it was cited as authority by the magistrate judge. The holding in Caldwell compels the conclusion that the magistrate judge correctly recommended dismissal of applicant's claims 1 through 7 as time-barred. Applicant has not provided the court with anything that would justify an equitable tolling of the limitations period.

Applicant has presented nothing to put in question the magistrate judge's recommendation that the remaining claims be denied based on applicant's failure to establish any constitutional violation.

Therefore,

The court ACCEPTS the FC&R of the magistrate judge and ORDERS that applicant's claims 1 through 7 be, and are hereby, dismissed as time-barred, and that all relief sought by the remaining claims he has asserted in the document he filed June 5, 2008, titled "Petition for Writ of Habeas Corpus by a Person in State Custody" be, and is hereby, denied.

SIGNED May 27, 2009.



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JOHN MCBRYDE  
United States District Judge